

TERMINATED

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:09-cv-00017-PK**

Northwest Environmental Advocates v. Gutierrez, et al
Assigned to: Magistrate Judge Paul Papak
Cause: 05:0701 Maritime Subsidy Board

Date Filed: 01/06/2009
Date Terminated: 09/28/2010
Jury Demand: None
Nature of Suit: 893 Environmental Matters
Jurisdiction: U.S. Government Defendant

Plaintiff

Northwest Environmental Advocates
an Oregon non-profit corporation

represented by **Paul August Kampmeier**
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ATTORNEY TO BE NOTICED

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TERMINATED: 11/23/2009
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V.

Defendant

Carlos M. Gutierrez
*Secretary of the U.S. Department of
Commerce*

represented by **Kevin C. Danielson**
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 LEAD ATTORNEY

Defendant

William J. Brennan
*Acting Administrator of the National
 Oceanic and Atmospheric Administration*

represented by **Kevin C. Danielson**
 (See above for address)
 LEAD ATTORNEY

Kristofor R. Swanson
 (See above for address)
 LEAD ATTORNEY

Defendant

Stephen L. Johnson
*Administrator of the U.S. Environmental
 Protection Agency*

represented by **Kevin C. Danielson**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Kristofor R. Swanson
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/06/2009	<u>1</u>	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 24705 issued Jury Trial Requested: No. Filed by Northwest Environmental Advocates against U.S. Department of Commerce, National Oceanic and Atmospheric Administration, U.S. Environmental Protection Agency. (pvh) (Entered: 01/07/2009)
01/06/2009	<u>2</u>	Corporate Disclosure Statement. Filed by Northwest Environmental Advocates. (pvh) (Entered: 01/07/2009)
01/06/2009	<u>3</u>	Motion to Waive Special Admission Fee. Filed by Northwest Environmental Advocates. (pvh) (Entered: 01/07/2009)
01/06/2009	<u>4</u>	Declaration of Paul A. Kampmeier. Filed by Northwest Environmental Advocates. (Related document(s): Motion <u>3</u> .) (pvh) (Entered: 01/07/2009)
01/06/2009	<u>5</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to Magistrate Judge Paul Papak. Discovery is to be completed by 5/11/2009. Joint Alternate Dispute Resolution Report is due by 6/8/2009. Pretrial Order is due by 6/8/2009. Ordered by Magistrate Judge Paul Papak. (pvh) (Entered: 01/07/2009)
01/06/2009		Summons Issued as to Carlos M. Gutierrez, William J. Brennan, & Stephen L. Johnson. (eo) (Entered: 01/09/2009)
01/08/2009	<u>6</u>	Order Granting Plaintiff's Application for Special Admission Pro Hac Vice of Attorney Paul August Kampmeier for Plaintiff Northwest Environmental Advocates; Granting Plaintiff's Motion to Waive Special Admission Fee <u>3</u> . (Receipt #: None.) Signed on 1/7/09 by Magistrate Judge Paul Papak. (gm) (Entered: 01/08/2009)
01/15/2009	<u>7</u>	Amended Summons Issued as to Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. (eo) (Entered: 01/16/2009)
01/21/2009	<u>8</u>	Certificate of Service by Northwest Environmental Advocates Filed by Northwest Environmental Advocates. (Kampmeier, Paul) (Entered: 01/21/2009)
02/02/2009	<u>9</u>	Notice of Appearance of Kristofor R. Swanson appearing on behalf of Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. Filed by on behalf of Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. (Swanson, Kristofor) (Entered: 02/02/2009)

02/03/2009	<u>10</u>	Unopposed Motion for Extension of Time to Answer Complaint, <u>1</u> . Filed by Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. (Swanson, Kristofor) (Entered: 02/03/2009)
02/04/2009	11	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting Defendants' Unopposed Motion for Extension of Time to Answer <u>10</u> as follows: Answer deadline reset to 3/9/2009 for all defendants. (gm) (Entered: 02/04/2009)
02/05/2009	<u>12</u>	Notice of Appearance of Kevin C. Danielson appearing on behalf of Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. Filed by on behalf of Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. (Danielson, Kevin) (Entered: 02/05/2009)
02/06/2009	<u>13</u>	Affidavit of Service upon Carlos M. Gutierrez served on 1/21/2009; William J. Brennan served on 1/21/2009; Stephen L. Johnson served on 1/21/2009 Filed by Northwest Environmental Advocates. (Kampmeier, Paul) (Entered: 02/06/2009)
03/06/2009	<u>14</u>	Unopposed Motion for Extension of Time to Answer Complaint, <u>1</u> . Filed by all defendants. (Swanson, Kristofor) (Entered: 03/06/2009)
03/06/2009	15	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting Defendants' Unopposed <i>Second</i> Motion for Extension of Time to Answer <u>14</u> as follows: Answer deadline reset to 4/6/2009 for all defendants. (gm) (Entered: 03/06/2009)
04/03/2009	<u>16</u>	Joint Motion for Stay. Filed by all parties. (Swanson, Kristofor) (Entered: 04/03/2009)
04/06/2009	17	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' Stipulated Motion for Temporary Stay of Litigation <u>16</u> . This matter is Stayed and the parties shall file a formal Joint Status Report no later than 5/29/2009. (gm) (Entered: 04/06/2009)
05/29/2009	<u>18</u>	Joint Motion for Stay <i>Second Stipulation and Joint Motion for Temporary Stay of Litigation</i> . Filed by Northwest Environmental Advocates. (Kampmeier, Paul) (Entered: 05/29/2009)
05/29/2009	19	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' <i>Second</i> Stipulated Motion for Temporary Stay of Litigation <u>18</u> . This matter is Stayed and the parties shall file a formal Joint Status Report no later than 7/15/2009. (gm) (Entered: 06/01/2009)
07/15/2009	<u>20</u>	Joint Motion for Stay. Filed by Northwest Environmental Advocates. (Kampmeier, Paul) (Entered: 07/15/2009)
07/15/2009	21	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' <i>Third</i> Stipulated Motion for Temporary Stay of Litigation <u>20</u> . This matter continues to be Stayed and the parties shall file a formal Joint Status Report no later than 9/17/2009. (gm) (Entered: 07/15/2009)
09/16/2009	<u>22</u>	Joint Motion for Extension of Time to <i>File Joint Status Report</i> . Filed by all parties. (Kampmeier, Paul) (Entered: 09/16/2009)
09/16/2009	23	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' Joint Motion for Extension of Time for Filing Joint Status Report <u>22</u> . The parties shall file a formal Joint Status Report no later than 9/29/2009. (gm) (Entered: 09/18/2009)
09/18/2009	<u>24</u>	Stipulated Motion to Dismiss <i>Freedom of Information Act claims</i> . Filed by all parties. (Kampmeier, Paul) (Entered: 09/18/2009)
09/18/2009	<u>25</u>	Stipulated Order Dismissing FOIA Claims with Prejudice. Signed on 9/18/09 by Judge Paul Papak. (gm) (Entered: 09/18/2009)
09/29/2009	<u>26</u>	Joint Status Report. Filed by all parties. (Swanson, Kristofor) (Entered: 09/29/2009)
10/01/2009	27	CIVIL MINUTES: Record of Order by Judge Paul Papak: Based on the parties' Joint Status Report, filed 9/29/09, the Stay of this case is Lifted and the case schedule is modified as follows: First amended complaint due 10/16/2009. Answer or dismissal motions due 11/6/2009. Response to dismissal motions, if any, due

		12/4/2009. Reply to response to dismissal motions, if any, due 12/22/2009. Administrative Record due 12/23/2009. Join additional parties and amend pleadings, if any, due 3/22/2010. Discovery to be completed by 6/4/2010. Dispositive motions deadline reset to 7/9/2010. Pretrial Order deadline reset to 8/9/2010 or until 30 days after this Court's final ruling on dispositive motions, whichever date is later. The parties may motion the court to modify the case schedule as appropriate. (gm) (Entered: 10/02/2009)
10/15/2009	<u>28</u>	Joint Motion for Stay. Filed by all parties. (Swanson, Kristofor) (Entered: 10/15/2009)
10/15/2009	29	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties Fourth Stipulated Motion for Temporary Stay of Litigation <u>28</u> . This matter is Stayed until 1/8/2010 and the parties shall file a formal Joint Status Report no later than 1/8/2010. (gm) (Entered: 10/15/2009)
11/23/2009	<u>30</u>	Notice of Appearance of Allison Michelle LaPlante appearing on behalf of Northwest Environmental Advocates Filed by on behalf of Northwest Environmental Advocates (LaPlante, Allison) (Entered: 11/23/2009)
11/23/2009	<u>31</u>	Notice of Attorney Withdrawal: <i>Stephanie M. Parent</i> Filed by all plaintiffs (Parent, Stephanie) (Entered: 11/23/2009)
01/08/2010	<u>32</u>	Joint Motion for Stay. Filed by all parties. (Swanson, Kristofor) (Entered: 01/08/2010)
01/08/2010	33	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' Fifth Stipulated Motion for Temporary Stay of Litigation <u>32</u> . This matter is Stayed until 5/14/2010 and the parties shall file a formal Joint Status Report no later than 5/14/2010. Order: Setting a Telephone Status Conference for 3/8/2010 at 1:30PM in Chambers. The Court will initiate the call to counsel. (gm) (Entered: 01/08/2010)
03/05/2010	34	CIVIL MINUTES: Record of Order by Judge Paul Papak: Striking the Telephone Conference of 3/8/2010 at 1:30PM and Striking the Joint Status Report deadline of 5/14/2010. Order: Setting a Telephone Status Conference for 5/17/2010 at 1:30PM in Chambers. The Court will initiate the call to counsel. (gm) (Entered: 03/05/2010)
05/17/2010	<u>35</u>	Motion to Withdraw <i>Motion to Withdrawal as Counsel</i> . Filed by Carlos M. Gutierrez, William J. Brennan, Stephen L. Johnson. (Danielson, Kevin) (Entered: 05/17/2010)
05/17/2010	36	CIVIL MINUTES: Record of Proceedings before Judge Paul Papak: Telephone Status Conference held 5/17/10. The parties shall file another Joint Status Report no later than 6/4/2010. Order: Defendant's Motion to Withdraw Attorney Kevin Danielson as Counsel of Record <u>35</u> is Granted. Paul Kampmeier; Allison LaPlante present as counsel for plaintiff(s). Kevin Danielson; Kristofor Swanson present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 05/17/2010)
06/04/2010	<u>37</u>	Joint Motion for Extension of Time to <i>File Joint Status Report</i> . Filed by all parties. (Kampmeier, Paul) (Entered: 06/04/2010)
06/04/2010	38	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the Joint Motion for Extension of Time to File Joint Status Report <u>37</u> . The parties shall file another Joint Status Report no later than 7/2/2010. (gm) (Entered: 06/04/2010)
07/02/2010	<u>39</u>	Joint Motion for Extension of Time <i>For Filing Joint Status Report</i> . Filed by Northwest Environmental Advocates. (Kampmeier, Paul) (Entered: 07/02/2010)
07/06/2010	40	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' <i>Second</i> Joint Motion for Extension of Time to File Joint Status Report <u>39</u> . The parties shall file another Joint Status Report no later than 7/16/2010. (gm) (Entered: 07/06/2010)
07/16/2010	<u>41</u>	Joint Motion for Extension of Time to <i>file Joint Status Report</i> . Filed by All Parties. (Kampmeier, Paul) (Entered: 07/16/2010)

07/19/2010	<u>42</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' <i>Third</i> Joint Motion for Extension of Time to File Joint Status Report <u>41</u> . The parties shall file another Joint Status Report no later than 7/23/2010. (gm) (Entered: 07/20/2010)
07/23/2010	<u>43</u>	Joint Motion for Stay. Filed by All Parties. (LaPlante, Allison) (Entered: 07/23/2010)
07/23/2010	<u>44</u>	Memorandum in Support of <i>Joint Motion for Stay</i> . Filed by All Parties. (Related document(s): Motion for Stay <u>43</u> .) (LaPlante, Allison) (Entered: 07/23/2010)
07/26/2010	<u>45</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting the parties' Joint Motion to Stay Case <u>43</u> . This case is Stayed until 9/23/2010. The parties shall file another Joint Status Report no later than 9/23/2010. (gm) (Entered: 07/26/2010)
09/23/2010	<u>46</u>	Joint Status Report. Filed by All Parties. (Kampmeier, Paul) (Entered: 09/23/2010)
09/28/2010	<u>47</u>	Joint Motion to Dismiss <i>APA Claims Without Prejudice</i> . Filed by All Parties. (Attachments: # <u>1</u> Stipulations in Support, # <u>2</u> Agreed Order) (Swanson, Kristofor) (Entered: 09/28/2010)
09/28/2010	<u>48</u>	AGREED ORDER: Granting the parties' Joint Motion to Dismiss APA Claims <u>47</u> : Pursuant to FRCvP 41(a)(2), claims one, two, and three in the complaint are Dismissed without prejudice. The Court shall retain jurisdiction to enforce and oversee compliance with the terms and conditions of this Order. Signed on 9/28/10 by Judge Paul Papak. (gm) (Entered: 09/28/2010)
09/28/2010	<u>49</u>	JUDGMENT: Based on the stipulation of the parties, it is Ordered and Adjudged that this action is Dismissed without prejudice. Pending motions, if any, are Denied as Moot. Signed on 9/28/10 by Judge Paul Papak. (gm) (Entered: 09/28/2010)